

FIRST REGULAR SESSION

HOUSE BILL NO. 135

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWLAND.

0096H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.011, 160.041, 160.405, 160.417, 163.021, 163.073, 171.029, 171.031, and 171.033, RSMo, and to enact in lieu thereof eight new sections relating to the school calendar, with a delayed effective date for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 160.011, 160.041, 160.405, 160.417, 163.021, 163.073, 171.029, 2 171.031, and 171.033, RSMo, are repealed and eight new sections enacted in lieu thereof, to be 3 known as sections 160.011, 160.041, 160.405, 160.417, 163.021, 163.073, 171.031, and 171.033, 4 to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 2 178, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director, urban, 4 and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction in a grade or grades not 6 higher than the eighth grade;

7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of 8 sufficient duration, to make sustainable changes in families that include:

9 (a) Interactive literacy activities between parents and their children;

10 (b) Training of parents regarding how to be the primary teacher of their children and full 11 partners in the education of their children;

12 (c) Parent literacy training that leads to high school completion and economic self 13 sufficiency; and

14 (d) An age-appropriate education to prepare children of all ages for success in school;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (4) "Graduation rate", the quotient of the number of graduates in the current year as of
16 June thirtieth divided by the sum of the number of graduates in the current year as of June
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number
18 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who
19 dropped out in the second preceding year plus the number of ninth graders who dropped out in
20 the third preceding year;

21 (5) "High school", a public school giving instruction in a grade or grades not lower than
22 the ninth nor higher than the twelfth grade;

23 (6) "Metropolitan school district", any school district the boundaries of which are
24 coterminous with the limits of any city which is not within a county;

25 (7) "Public school" includes all elementary and high schools operated at public expense;

26 (8) "School board", the board of education having general control of the property and
27 affairs of any school district;

28 (9) "School term", a minimum of one hundred seventy-four school days, as that term is
29 defined in section 160.041, for schools with a five-day school week or a minimum of one
30 hundred forty-two school days, as that term is defined in section 160.041, for schools with a
31 four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled
32 by the board pursuant to section 171.031 during a twelve-month period in which the academic
33 instruction of pupils is actually and regularly carried on for a group of students in the public
34 schools of any school district. **Beginning in school year 2016-2017, one thousand eighty**
35 **hours of actual pupil attendance shall be required with no minimum number of school**
36 **days required.** A school term may be within a school year or may consist of parts of two
37 consecutive school years, but does not include summer school. A district may choose to operate
38 two or more terms for different groups of children. A school term for students participating in
39 a school flex program as established in section 160.539 may consist of a combination of actual
40 pupil attendance and attendance at college or technical career education or approved employment
41 aligned with the student's career academic plan for a total of [one thousand forty-four] **the**
42 **required number of hours as provided in this subdivision;**

43 (10) "Secretary", the secretary of the board of a school district;

44 (11) "Seven-director district", any school district which has seven directors and includes
45 urban districts regardless of the number of directors an urban district may have unless otherwise
46 provided by law;

47 (12) "Taxpayer", any individual who has paid taxes to the state or any subdivision
48 thereof within the immediately preceding twelve-month period or the spouse of such individual;

49 (13) "Town", any town or village, whether or not incorporated, the plat of which has
50 been filed in the office of the recorder of deeds of the county in which it is situated;

51 (14) "Urban school district", any district which includes more than half of the population
52 or land area of any city which has not less than seventy thousand inhabitants, other than a city
53 which is not within a county.

160.041. 1. The "minimum school day" consists of three hours for schools with a
2 five-day school week or four hours for schools with a four-day school week in which the pupils
3 are under the guidance and direction of teachers in the teaching process. A "school month"
4 consists of four weeks of five days each for schools with a five-day school week or four weeks
5 of four days each for schools with a four-day school week. **Beginning in the school year 2016-**
6 **2017, no minimum number of school days shall be required.** The "school year" commences
7 on the first day of July and ends on the thirtieth day of June following.

8 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
9 education is authorized to reduce the required number of hours [and] **or** days in which the pupils
10 are under the guidance and direction of teachers in the teaching process if:

11 (1) There is damage to or destruction of a public school facility which requires the dual
12 utilization of another school facility; or

13 (2) Flooding or other inclement weather as defined in subsection 1 of section 171.033
14 prevents students from attending the public school facility.

15

16 Such reduction shall not extend beyond two calendar years in duration.

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five
5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall be a legally binding
8 performance contract that describes the obligations and responsibilities of the school and the
9 sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall also include:

10 (1) A mission and vision statement for the charter school;

11 (2) A description of the charter school's organizational structure and bylaws of the
12 governing body, which will be responsible for the policy, financial management, and operational
13 decisions of the charter school, including the nature and extent of parental, professional educator,
14 and community involvement in the governance and operation of the charter school;

15 (3) A financial plan for the first three years of operation of the charter school including
16 provisions for annual audits;

- 17 (4) A description of the charter school's policy for securing personnel services, its
18 personnel policies, personnel qualifications, and professional development plan;
- 19 (5) A description of the grades or ages of students being served;
- 20 (6) The school's calendar of operation, which shall include at least the equivalent of a
21 full school term as defined in section 160.011;
- 22 (7) A description of the charter school's pupil performance standards and academic
23 program performance standards, which shall meet the requirements of subdivision (6) of
24 subsection 4 of this section. The charter school program shall be designed to enable each pupil
25 to achieve such standards and shall contain a complete set of indicators, measures, metrics, and
26 targets for academic program performance, including specific goals on graduation rates and
27 standardized test performance and academic growth;
- 28 (8) A description of the charter school's educational program and curriculum;
- 29 (9) The term of the charter, which shall be five years and shall be renewable;
- 30 (10) Procedures, consistent with the Missouri financial accounting manual, for
31 monitoring the financial accountability of the charter, which shall meet the requirements of
32 subdivision (4) of subsection 4 of this section;
- 33 (11) Preopening requirements for applications that require that charter schools meet all
34 health, safety, and other legal requirements prior to opening;
- 35 (12) A description of the charter school's policies on student discipline and student
36 admission, which shall include a statement, where applicable, of the validity of attendance of
37 students who do not reside in the district but who may be eligible to attend under the terms of
38 judicial settlements and procedures that ensure admission of students with disabilities in a
39 nondiscriminatory manner;
- 40 (13) A description of the charter school's grievance procedure for parents or guardians;
- 41 (14) A description of the agreement between the charter school and the sponsor as to
42 when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for
43 failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter
44 under subsection 9 of this section;
- 45 (15) Procedures to be implemented if the charter school should close, as provided in
46 subdivision (6) of subsection 16 of section 160.400 including:
- 47 (a) Orderly transition of student records to new schools and archival of student records;
- 48 (b) Archival of business operation and transfer or repository of personnel records;
- 49 (c) Submission of final financial reports;
- 50 (d) Resolution of any remaining financial obligations; [and]
- 51 (e) Disposition of the charter school's assets upon closure; **and**

52 (f) A notification plan to inform parents or guardians of students, the local school
53 district, the retirement system in which the charter school's employees participate, and the state
54 board of education within thirty days of the decision to close;

55 (16) A description of the special education and related services that shall be available
56 to meet the needs of students with disabilities; and

57 (17) For all new or revised charters, procedures to be used upon closure of the charter
58 school requiring that unobligated assets of the charter school be returned to the department of
59 elementary and secondary education for their disposition, which upon receipt of such assets shall
60 return them to the local school district in which the school was located, the state, or any other
61 entity to which they would belong. Charter schools operating on August 27, 2012, shall have
62 until August 28, 2015, to meet the requirements of this subsection.

63 2. Proposed charters shall be subject to the following requirements:

64 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and
65 procedures for review and granting of a charter approval, and be approved by the state board of
66 education by December first of the year prior to the proposed opening date of the charter school;

67 (2) A charter may be approved when the sponsor determines that the requirements of this
68 section are met, determines that the applicant is sufficiently qualified to operate a charter school,
69 and that the proposed charter is consistent with the sponsor's charter sponsorship goals and
70 capacity. The sponsor's decision of approval or denial shall be made within ninety days of the
71 filing of the proposed charter;

72 (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as
73 to the reasons for its denial and forward a copy to the state board of education within five
74 business days following the denial;

75 (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted
76 to the state board of education, along with the sponsor's written reasons for its denial. If the state
77 board determines that the applicant meets the requirements of this section, that the applicant is
78 sufficiently qualified to operate the charter school, and that granting a charter to the applicant
79 would be likely to provide educational benefit to the children of the district, the state board may
80 grant a charter and act as sponsor of the charter school. The state board shall review the
81 proposed charter and make a determination of whether to deny or grant the proposed charter
82 within sixty days of receipt of the proposed charter, provided that any charter to be considered
83 by the state board of education under this subdivision shall be submitted no later than March first
84 prior to the school year in which the charter school intends to begin operations. The state board
85 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

86 (5) The sponsor of a charter school shall give priority to charter school applicants that
87 propose a school oriented to high-risk students and to the reentry of dropouts into the school

88 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
89 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
90 body and address the needs of dropouts or high-risk students through their proposed mission,
91 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
92 student is one who is at least one year behind in satisfactory completion of course work or
93 obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out
94 of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended
95 from school three or more times, has a history of severe truancy, is a pregnant or parenting teen,
96 has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is
97 homeless or has been homeless sometime within the preceding six months, has been referred by
98 an area school district for enrollment in an alternative program, or qualifies as high risk under
99 department of elementary and secondary education guidelines. "Dropout" shall be defined
100 through the guidelines of the school core data report. The provisions of this subsection do not
101 apply to charters sponsored by the state board of education.

102 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
103 state board of education, along with a statement of finding that the application meets the
104 requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under
105 which the charter sponsor shall evaluate the academic performance of students enrolled in the
106 charter school. The state board of education may, within sixty days, disapprove the granting of
107 the charter. The state board of education may disapprove a charter on grounds that the
108 application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349
109 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter
110 sponsor.

111 4. A charter school shall, as provided in its charter:

112 (1) Be nonsectarian in its programs, admission policies, employment practices, and all
113 other operations;

114 (2) Comply with laws and regulations of the state, county, or city relating to health,
115 safety, and state minimum educational standards, as specified by the state board of education,
116 including the requirements relating to student discipline under sections 160.261, 167.161,
117 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
118 sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school
119 records under section 167.020, the minimum number of school days [and] **or** hours required
120 under section 160.041, and the employee criminal history background check and the family care
121 safety registry check under section 168.133;

122 (3) Except as provided in sections 160.400 to 160.425, be exempt from all laws and rules
123 relating to schools, governing boards and school districts;

124 (4) Be financially accountable, use practices consistent with the Missouri financial
125 accounting manual, provide for an annual audit by a certified public accountant, publish audit
126 reports and annual financial reports as provided in chapter 165, provided that the annual financial
127 report may be published on the department of elementary and secondary education's internet
128 website in addition to other publishing requirements, and provide liability insurance to indemnify
129 the school, its board, staff and teachers against tort claims. A charter school that receives local
130 educational agency status under subsection 6 of this section shall meet the requirements imposed
131 by the Elementary and Secondary Education Act for audits of such agencies and comply with all
132 federal audit requirements for charters with local education agency status. For purposes of an
133 audit by petition under section 29.230, a charter school shall be treated as a political subdivision
134 on the same terms and conditions as the school district in which it is located. For the purposes
135 of securing such insurance, a charter school shall be eligible for the Missouri public entity risk
136 management fund pursuant to section 537.700. A charter school that incurs debt shall include
137 a repayment plan in its financial plan;

138 (5) Provide a comprehensive program of instruction for at least one grade or age group
139 from kindergarten through grade twelve, which may include early childhood education if funding
140 for such programs is established by statute, as specified in its charter;

141 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
142 adopted by the state board of education pursuant to section 160.514, establish baseline student
143 performance in accordance with the performance contract during the first year of operation,
144 collect student performance data as defined by the annual performance report throughout the
145 duration of the charter to annually monitor student academic performance, and to the extent
146 applicable based upon grade levels offered by the charter school, participate in the statewide
147 system of assessments, comprised of the essential skills tests and the nationally standardized
148 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,
149 complete and distribute an annual report card as prescribed in section 160.522, which shall also
150 include a statement that background checks have been completed on the charter school's board
151 members, report to its sponsor, the local school district, and the state board of education as to
152 its teaching methods and any educational innovations and the results thereof, and provide data
153 required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter
154 school shall be considered in the Missouri school improvement program review of the district
155 in which it is located for the resource or process standards of the program.

156 (b) For proposed high risk or alternative charter schools, sponsors shall approve
157 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
158 shall also approve comprehensive academic and behavioral measures to determine whether
159 students are meeting performance standards on a different time frame as specified in that school's

160 charter. Student performance shall be assessed comprehensively to determine whether a high
161 risk or alternative charter school has documented adequate student progress. Student
162 performance shall be based on sponsor-approved comprehensive measures as well as
163 standardized public school measures. Annual presentation of charter school report card data to
164 the department of elementary and secondary education, the state board, and the public shall
165 include comprehensive measures of student progress.

166 (c) Nothing in this subdivision shall be construed as permitting a charter school to be
167 held to lower performance standards than other public schools within a district; however, the
168 charter of a charter school may permit students to meet performance standards on a different time
169 frame as specified in its charter. The performance standards for alternative and special purpose
170 charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this
171 section shall be based on measures defined in the school's performance contract with its
172 sponsors;

173 (7) Comply with all applicable federal and state laws and regulations regarding students
174 with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities
175 Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29
176 U.S.C. Section 794) or successor legislation;

177 (8) Provide along with any request for review by the state board of education the
178 following:

179 (a) Documentation that the applicant has provided a copy of the application to the school
180 board of the district in which the charter school is to be located, except in those circumstances
181 where the school district is the sponsor of the charter school; and

182 (b) A statement outlining the reasons for approval or disapproval by the sponsor,
183 specifically addressing the requirements of sections 160.400 to 160.425 and 167.349.

184 5. (1) Proposed or existing high-risk or alternative charter schools may include
185 alternative arrangements for students to obtain credit for satisfying graduation requirements in
186 the school's charter application and charter. Alternative arrangements may include, but not be
187 limited to, credit for off-campus instruction, embedded credit, work experience through an
188 internship arranged through the school, and independent studies. When the state board of
189 education approves the charter, any such alternative arrangements shall be approved at such time.

190 (2) The department of elementary and secondary education shall conduct a study of any
191 charter school granted alternative arrangements for students to obtain credit under this subsection
192 after three years of operation to assess student performance, graduation rates, educational
193 outcomes, and entry into the workforce or higher education.

194 6. The charter of a charter school may be amended at the request of the governing body
195 of the charter school and on the approval of the sponsor. The sponsor and the governing board

196 and staff of the charter school shall jointly review the school's performance, management and
197 operations during the first year of operation and then every other year after the most recent
198 review or at any point where the operation or management of the charter school is changed or
199 transferred to another entity, either public or private. The governing board of a charter school
200 may amend the charter, if the sponsor approves such amendment, or the sponsor and the
201 governing board may reach an agreement in writing to reflect the charter school's decision to
202 become a local educational agency. In such case the sponsor shall give the department of
203 elementary and secondary education written notice no later than March first of any year, with the
204 agreement to become effective July first. The department may waive the March first notice date
205 in its discretion. The department shall identify and furnish a list of its regulations that pertain
206 to local educational agencies to such schools within thirty days of receiving such notice.

207 7. Sponsors shall annually review the charter school's compliance with statutory
208 standards including:

209 (1) Participation in the statewide system of assessments, as designated by the state board
210 of education under section 160.518;

211 (2) Assurances for the completion and distribution of an annual report card as prescribed
212 in section 160.522;

213 (3) The collection of baseline data during the first three years of operation to determine
214 the longitudinal success of the charter school;

215 (4) A method to measure pupil progress toward the pupil academic standards adopted
216 by the state board of education under section 160.514; and

217 (5) Publication of each charter school's annual performance report.

218 8. (1) (a) A sponsor's intervention policies shall give schools clear, adequate,
219 evidence-based, and timely notice of contract violations or performance deficiencies and
220 mandate intervention based upon findings of the state board of education of the following:

221 a. The charter school provides a high school program which fails to maintain a
222 graduation rate of at least seventy percent in three of the last four school years unless the school
223 has dropout recovery as its mission;

224 b. The charter school's annual performance report results are below the district's annual
225 performance report results based on the performance standards that are applicable to the grade
226 level configuration of both the charter school and the district in which the charter school is
227 located in three of the last four school years; and

228 c. The charter school is identified as a persistently lowest achieving school by the
229 department of elementary and secondary education.

230 (b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

- 231 a. Clear evidence of underperformance as demonstrated in the charter school's annual
232 performance report in three of the last four school years; or
- 233 b. A violation of the law or the public trust that imperils students or public funds.
- 234 (c) A sponsor shall revoke a charter or take other appropriate remedial action, which may
235 include placing the charter school on probationary status for no more than twelve months,
236 provided that no more than one designation of probationary status shall be allowed for the
237 duration of the charter contract, at any time if the charter school commits a serious breach of one
238 or more provisions of its charter or on any of the following grounds: failure to meet the
239 performance contract as set forth in its charter, failure to meet generally accepted standards of
240 fiscal management, failure to provide information necessary to confirm compliance with all
241 provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days
242 following receipt of written notice requesting such information, or violation of law.
- 243 (2) The sponsor may place the charter school on probationary status to allow the
244 implementation of a remedial plan, which may require a change of methodology, a change in
245 leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.
- 246 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
247 governing board of the charter school of the proposed action in writing. The notice shall state
248 the grounds for the proposed action. The school's governing board may request in writing a
249 hearing before the sponsor within two weeks of receiving the notice.
- 250 (4) The sponsor of a charter school shall establish procedures to conduct administrative
251 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final
252 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to an
253 appeal to the state board of education, which shall determine whether the charter shall be
254 revoked.
- 255 (5) A termination shall be effective only at the conclusion of the school year, unless the
256 sponsor determines that continued operation of the school presents a clear and immediate threat
257 to the health and safety of the children.
- 258 (6) A charter sponsor shall make available the school accountability report card
259 information as provided under section 160.522 and the results of the academic monitoring
260 required under subsection 3 of this section.
- 261 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter
262 school sponsored by such sponsor is in material compliance and remains in material compliance
263 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every
264 charter school shall provide all information necessary to confirm ongoing compliance with all
265 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
266 sponsor.

267 (2) The sponsor's renewal process of the charter school shall be based on the thorough
268 analysis of a comprehensive body of objective evidence and consider if:

269 (a) The charter school has maintained results on its annual performance report that meet
270 or exceed the district in which the charter school is located based on the performance standards
271 that are applicable to the grade-level configuration of both the charter school and the district in
272 which the charter school is located in three of the last four school years;

273 (b) The charter school is organizationally and fiscally viable determining at a minimum
274 that the school does not have:

275 a. A negative balance in its operating funds;

276 b. A combined balance of less than three percent of the amount expended for such funds
277 during the previous fiscal year; or

278 c. Expenditures that exceed receipts for the most recently completed fiscal year;

279 (c) The charter is in compliance with its legally binding performance contract and
280 sections 160.400 to 160.425 and section 167.349.

281 (3) (a) Beginning August first during the year in which a charter is considered for
282 renewal, a charter school sponsor shall demonstrate to the state board of education that the
283 charter school is in compliance with federal and state law as provided in sections 160.400 to
284 160.425 and section 167.349 and the school's performance contract including but not limited to
285 those requirements specific to academic performance.

286 (b) Along with data reflecting the academic performance standards indicated in
287 paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the
288 state board of education for review.

289 (c) Using the data requested and the revised charter application under paragraphs (a) and
290 (b) of this subdivision, the state board of education shall determine if compliance with all
291 standards enumerated in this subdivision has been achieved. The state board of education at its
292 next regularly scheduled meeting shall vote on the revised charter application.

293 (d) If a charter school sponsor demonstrates the objectives identified in this subdivision,
294 the state board of education shall renew the school's charter.

295 10. A school district may enter into a lease with a charter school for physical facilities.

296 11. A governing board or a school district employee who has control over personnel
297 actions shall not take unlawful reprisal against another employee at the school district because
298 the employee is directly or indirectly involved in an application to establish a charter school. A
299 governing board or a school district employee shall not take unlawful reprisal against an
300 educational program of the school or the school district because an application to establish a
301 charter school proposes the conversion of all or a portion of the educational program to a charter
302 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a

303 governing board or a school district employee as a direct result of a lawful application to
304 establish a charter school and that is adverse to another employee or an educational program.

305 12. Charter school board members shall be subject to the same liability for acts while
306 in office as if they were regularly and duly elected members of school boards in any other public
307 school district in this state. The governing board of a charter school may participate, to the same
308 extent as a school board, in the Missouri public entity risk management fund in the manner
309 provided under sections 537.700 to 537.756.

310 13. Any entity, either public or private, operating, administering, or otherwise managing
311 a charter school shall be considered a quasi-public governmental body and subject to the
312 provisions of sections 610.010 to 610.035.

313 14. The chief financial officer of a charter school shall maintain:

314 (1) A surety bond in an amount determined by the sponsor to be adequate based on the
315 cash flow of the school; or

316 (2) An insurance policy issued by an insurance company licensed to do business in
317 Missouri on all employees in the amount of five hundred thousand dollars or more that provides
318 coverage in the event of employee theft.

160.417. 1. By October 1, 2012, and by each October first thereafter, the sponsor of each
2 charter school shall review the information submitted on the report required by section 162.821
3 to identify charter schools experiencing financial stress. The department of elementary and
4 secondary education shall be authorized to obtain such additional information from a charter
5 school as may be necessary to determine the financial condition of the charter school. Annually,
6 a listing of charter schools identified as experiencing financial stress according to the provisions
7 of this section shall be provided to the governor, speaker of the house of representatives, and
8 president pro tempore of the senate by the department of elementary and secondary education.

9 2. For the purposes of this section, a charter school shall be identified as experiencing
10 financial stress if it:

11 (1) At the end of its most recently completed fiscal year:

12 (a) Has a negative balance in its operating funds; or

13 (b) Has a combined balance of less than three percent of the amount expended from such
14 funds during the previous fiscal year; or

15 (2) For the most recently completed fiscal year expenditures, exceeded receipts for any
16 of its funds because of recurring costs.

17 3. The sponsor shall notify by November first the governing board of the charter school
18 identified as experiencing financial stress. Upon receiving the notification, the governing board
19 shall develop, or cause to have developed, and shall approve a budget and education plan on
20 forms provided by the sponsor. The budget and education plan shall be submitted to the sponsor,

21 signed by the officers of the charter school, within forty-five calendar days of notification that
22 the charter school has been identified as experiencing financial stress. Minimally, the budget and
23 education plan shall:

24 (1) Give assurances that adequate educational services to students of the charter school
25 shall continue uninterrupted for the remainder of the current school year and that the charter
26 school can provide the minimum number of school days [and] **or** hours required by section
27 160.041;

28 (2) Outline a procedure to be followed by the charter school to report to charter school
29 patrons about the financial condition of the charter school; and

30 (3) Detail the expenditure reduction measures, revenue increases, or other actions to be
31 taken by the charter school to address its condition of financial stress.

32 4. Upon receipt and following review of any budget and education plan, the sponsor may
33 make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or section
34 167.349 shall exempt a charter school from submitting a budget and education plan to the
35 sponsor according to the provisions of this section following each such notification that a charter
36 school has been identified as experiencing financial stress, except that the sponsor may permit
37 a charter school's governing board to make amendments to or update a budget and education plan
38 previously submitted to the sponsor.

39 5. The department may withhold any payment of financial aid otherwise due to the
40 charter school until such time as the sponsor and the charter school have fully complied with this
41 section.

163.021. 1. A school district shall receive state aid for its education program only if it:

2 (1) Provides for a minimum of one hundred seventy-four days and one thousand
3 forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section
4 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one
5 hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a
6 term for kindergarten pupils. If any school is dismissed because of inclement weather after
7 school has been in session for three hours, that day shall count as a school day including
8 afternoon session kindergarten students. When the aggregate hours lost in a term due to
9 inclement weather decreases the total hours of the school term below the required minimum
10 number of hours by more than twelve hours for all-day students or six hours for one-half-day
11 kindergarten students, all such hours below the minimum must be made up in one-half day or
12 full day additions to the term, except as provided in section 171.033. **Beginning in school year**
13 **2016-2017, one thousand eighty hours of pupil attendance with no minimum number of**
14 **school days shall be required for each pupil or group of pupils, except that the board shall**

15 **provide a minimum of five hundred forty hours of actual pupil attendance in a term for**
16 **kindergarten pupils with no minimum number of school days;**

17 (2) Maintains adequate and accurate records of attendance, personnel and finances, as
18 required by the state board of education, which shall include the preparation of a financial
19 statement which shall be submitted to the state board of education the same as required by the
20 provisions of section 165.111 for districts;

21 (3) Levies an operating levy for school purposes of not less than one dollar and
22 twenty-five cents after all adjustments and reductions on each one hundred dollars assessed
23 valuation of the district; **and**

24 (4) Computes average daily attendance as defined in subdivision (2) of section 163.011
25 as modified by section 171.031. Whenever there has existed within the district an infectious
26 disease, contagion, epidemic, plague or similar condition whereby the school attendance is
27 substantially reduced for an extended period in any school year, the apportionment of school
28 funds and all other distribution of school moneys shall be made on the basis of the school year
29 next preceding the year in which such condition existed.

30 2. For the 2006-07 school year and thereafter, no school district shall receive more state
31 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
32 exclusive of categorical add-ons, than it received per weighted average daily attendance for the
33 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional
34 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
35 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
36 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
37 to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the
38 minimum tax rate otherwise required under this subsection shall not be construed to be in
39 violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of
40 Article X of the state constitution, a school district may levy the operating levy for school
41 purposes required by this subsection less all adjustments required pursuant to Article X, Section
42 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
43 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
44 district is guaranteed to receive an amount not less than the amount the school district received
45 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
46 to any school district located in a county of the second classification which has a nuclear power
47 plant located in such district or to any school district located in a county of the third classification
48 which has an electric power generation unit with a rated generating capacity of more than one
49 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
50 except that such school districts may levy for current school purposes and capital projects an

51 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
52 pursuant to Article X, Section 22 of the Missouri Constitution.

53 3. No school district shall receive more state aid, as calculated in section 163.031, for
54 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the
55 school year 1993-94, if the state board of education determines that the district was not in
56 compliance in the preceding school year with the requirements of section 163.172, until such
57 time as the board determines that the district is again in compliance with the requirements of
58 section 163.172.

59 4. No school district shall receive state aid, pursuant to section 163.031, if such district
60 was not in compliance, during the preceding school year, with the requirement, established
61 pursuant to section 160.530 to allocate revenue to the professional development committee of
62 the district.

63 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of
64 section 163.031, for its education program, exclusive of categorical add-ons, than it received per
65 weighted average daily attendance for the school year 2005-06 from the foundation formula, line
66 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment
67 amounts, if the district did not comply in the preceding school year with the requirements of
68 subsection 6 of section 163.031.

69 6. Any school district that levies an operating levy for school purposes that is less than
70 the performance levy, as such term is defined in section 163.011, shall provide written notice to
71 the department of elementary and secondary education asserting that the district is providing an
72 adequate education to the students of such district. If a school district asserts that it is not
73 providing an adequate education to its students, such inadequacy shall be deemed to be a result
74 of insufficient local effort. The provisions of this subsection shall not apply to any special
75 district established under sections 162.815 to 162.940.

163.073. 1. When an education program, as approved under section 219.056, is provided
2 for pupils by the division of youth services in one of the facilities operated by the division for
3 children who have been assigned there by the courts, the division of youth services shall be
4 entitled to state aid for pupils being educated by the division of youth services in an amount to
5 be determined as follows: the total amount apportioned to the division of youth services shall
6 be an amount equal to the average per weighted average daily attendance amount apportioned
7 for the preceding school year under section 163.031, multiplied by the number of full-time
8 equivalent students served by facilities operated by the division of youth services. The number
9 of full-time equivalent students shall be determined by dividing by one hundred seventy-four
10 days the number of student-days of education service provided by the division of youth services
11 to elementary and secondary students who have been assigned to the division by the courts and

12 who have been determined as inappropriate for attendance in a local public school. A student
13 day shall mean one day of education services provided for one student. **Beginning in the 2016-**
14 **2017 school year, the number of full-time equivalent students shall be determined by**
15 **dividing one thousand eighty hours by the number of student-hours of education service**
16 **provided by the division of youth services to elementary and secondary students who have**
17 **been assigned to the division by the courts and who have been determined as inappropriate**
18 **for attendance in a local public school. A student hour shall mean one hour of education**
19 **services provided for one student.** In addition, other provisions of law notwithstanding, the
20 division of youth services shall be entitled to funds under section 163.087. The number of
21 full-time equivalent students as defined in this section shall be considered as "September
22 membership" and as "average daily attendance" for the apportioning of funds under section
23 163.087.

24 2. The educational program approved under section 219.056 as provided for pupils by
25 the division of youth services shall qualify for funding for those services provided to
26 handicapped or severely handicapped children. The department of elementary and secondary
27 education shall cooperate with the division of youth services in arriving at an equitable funding
28 for the services provided to handicapped children in the facilities operated by the division of
29 youth services.

30 3. Each local school district or special school district constituting the domicile of a child
31 placed in programs or facilities operated by the division of youth services or residing in another
32 district pursuant to assignment by the division of youth services shall pay toward the per pupil
33 cost of educational services provided by the serving district or agency an amount equal to the
34 average sum produced per child by the local tax effort of that district. A special school district
35 shall pay the average sum produced per child by the local tax efforts of the component districts.
36 This amount paid by the local school district or the special school district shall be on the basis
37 of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil
38 local tax effort.

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 specifying the opening date, **days of planned attendance**, and providing a minimum term of at
3 least one hundred seventy-four days for schools with a five-day school week or one hundred
4 forty-two days for schools with a four-day school week, and one thousand forty-four hours of
5 actual pupil attendance. **As of school year 2016-2017, one thousand eighty hours of actual**
6 **pupil attendance shall be required with no minimum number of school days.** In addition,
7 such calendar shall include six make-up days for possible loss of attendance due to inclement
8 weather as defined in subsection 1 of section 171.033. **Beginning in school year 2016-2017,**

9 **such calendar shall include thirty-six make-up hours for possible loss of attendance due**
10 **to inclement weather as defined in subsection 1 of section 171.033.**

11 2. Each local school district may set its opening date each year, which date shall be no
12 earlier than ten calendar days prior to the first Monday in September. No public school district
13 shall select an earlier start date unless the district follows the procedure set forth in subsection
14 3 of this section.

15 3. A district may set an opening date that is more than ten calendar days prior to the first
16 Monday in September only if the local school board first gives public notice of a public meeting
17 to discuss the proposal of opening school on a date more than ten days prior to the first Monday
18 in September, and the local school board holds said meeting and, at the same public meeting, a
19 majority of the board votes to allow an earlier opening date. If all of the previous conditions are
20 met, the district may set its opening date more than ten calendar days prior to the first Monday
21 in September. The condition provided in this subsection must be satisfied by the local school
22 board each year that the board proposes an opening date more than ten days before the first
23 Monday in September.

24 4. If any local district violates the provisions of this section, the department of
25 elementary and secondary education shall withhold an amount equal to one quarter of the state
26 funding the district generated under section 163.031 for each date the district was in violation
27 of this section.

28 5. The provisions of subsections 2 to 4 of this section shall not apply to school districts
29 in which school is in session for twelve months of each calendar year.

30 6. The state board of education may grant an exemption from this section to a school
31 district that demonstrates highly unusual and extenuating circumstances justifying exemption
32 from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state
33 board of education shall be valid for one academic year only.

34 7. No school day [for schools with a five-day school week] shall be longer than seven
35 hours except for vocational schools which may adopt an eight-hour day in a metropolitan school
36 district and a school district in a first class county adjacent to a city not within a county, and **until**
37 **school year 2016-2017** any school that adopts a four-day school week in accordance with section
38 171.029.

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice,
2 snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

3 2. A district shall be required to make up the first six days of school lost or cancelled due
4 to inclement weather and half the number of days lost or cancelled in excess of six days if the
5 makeup of the days is necessary to ensure that the district's students will attend a minimum of
6 one hundred forty-two days and a minimum of one thousand forty-four hours for the school year

7 except as otherwise provided in this section. Schools with a four-day school week may schedule
8 such make-up days on Fridays. **Beginning in school year 2016-2017, make-up time shall be**
9 **scheduled in hours with the first thirty-six hours of school lost or cancelled due to**
10 **inclement weather and half the number of hours lost or cancelled to an excess of thirty-six**
11 **if the makeup of the hours is necessary to ensure that the district's students shall attend**
12 **minimum of one thousand eighty hours for the school year.**

13 3. In the 2009-10 school year and subsequent years, a school district may be exempt from
14 the requirement to make up days of school lost or cancelled due to inclement weather in the
15 school district when the school district has made up the six days required under subsection 2 of
16 this section and half the number of additional lost or cancelled days up to eight days, resulting
17 in no more than ten total make-up days required by this section. **Beginning in the 2016-2017**
18 **school year, a school district may be exempt from the requirement to make up school lost**
19 **or cancelled due to inclement weather in the school district when the district has made up**
20 **the thirty-six hours required under subsection 2 of this section and half the number of**
21 **additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total**
22 **make-up hours required by this section.**

23 4. The commissioner of education may provide, for any school district [in which schools
24 are in session for twelve months of each calendar year] that cannot meet the minimum school
25 calendar requirement of at least one hundred seventy-four days for schools with a five-day school
26 week or one hundred forty-two days for schools with a four-day school week and one thousand
27 forty-four hours of actual pupil attendance **or beginning in school year 2015-2016, one**
28 **thousand forty-four hours of actual pupil attendance**, upon request, a waiver to be excused
29 from such requirement. This waiver shall be requested from the commissioner of education and
30 may be granted if the school was closed due to circumstances beyond school district control,
31 including inclement weather[, flooding] or fire.

[171.029. 1. The school board of any school district in the state, upon
2 adoption of a resolution by the vote of a majority of all its members to authorize
3 such action, may establish a four-day school week or other calendar consisting
4 of less than one hundred seventy-four days in lieu of a five-day school week.
5 Upon adoption of a four-day school week or other calendar consisting of less than
6 one hundred seventy-four days, the school shall file a calendar with the
7 department of elementary and secondary education in accordance with section
8 171.031. Such calendar shall include, but not be limited to, a minimum term of
9 one hundred forty-two days and one thousand forty-four hours of actual pupil
10 attendance.

11 2. If a school district that attends less than one hundred seventy-four days
12 meets at least two fewer performance standards on two successive annual
13 performance reports than it met on its last annual performance report received

14 prior to implementing a calendar year of less than one hundred seventy-four days,
15 it shall be required to revert to a one hundred seventy-four-day school year in the
16 school year following the report of the drop in the number of performance
17 standards met. When the number of performance standards met reaches the
18 earlier number, the district may return to the four-day week or other calendar
19 consisting of less than one hundred seventy-four days in the next school year.]
20

Section B. The repeal of section 171.029 of this act shall become effective on July 1,
2 2016.

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